

Atty. Docket No. 696.004

REMARKS

Applicants and the undersigned are most grateful for the time and effort accorded the instant application by the Examiner. The Office is respectfully requested to reconsider the rejection present in the outstanding Office Action in light of the following remarks.

Claims 1-10 were pending in the instant application at the time of the outstanding Office Action. Of these claims, Claims 1, 5, and 7 are independent claims; the remaining claims are dependent claims. Claims 1, 2, and 7 have been rewritten and Claims 11-13 have been added. Applicants intend no change in the scope of the claims by the changes made by these amendments. It should also be noted these amendments are not in acquiescence of the Office's position on allowability of the claims, but merely to expedite prosecution.

Claims 1-10 stand rejected under 35 USC § 102(e) as being anticipated by Glorikian. Reconsideration and withdrawal of this rejection is respectfully requested.

The present invention broadly contemplates, in accordance with at least one presently preferred embodiment, communicating inferred information to a wireless communication device user. (Page 24, lines 2-3) Thus, the present invention offers the feature of providing a wireless communication device user with information pertinent to the current position of the user, information pertinent to the time of day at the location of the user, and information pertinent to (one or more) preferences of that user. (Page 4, lines 11-17; Page 13, lines 10-13) Preferences may be established by, for example, a user

Atty. Docket No. 696.004

providing preference information or by tracking user selections over time to determine preference through historical trends. (Page 13, lines 13-15) Inferences in accordance with the present invention may also be made on information actively used by others in the local area and/or information acted upon by others at a time proximate to the current time. (Page 13, lines 20-22) For example, if there is an accident, drivers in the local area may be providing information about alternate routes. Inferring a hidden surge in demand, the alternative route information may be automatically pushed, or provided to, any customer who is approaching the local area. (Page 13, lines 22-26) Thus, the present invention assists a wireless communication device user in obtaining information of interest to the user.

The prior remarks about Glorikian are equally applicable here. As best understood, Glorikian is directed to "providing information to ... clients based on the [tracked geographical location of clients]" (Col. 1, lines 10-11), or in other words, "a system for delivering position-related information from a data repository to a user". (Col. 2, lines 8-10) When information is pushed to the user in Glorikian, "[i]t is left up to the [user] to determine the access." (Col. 10, lines 53-54) As explained with respect to the information provided about restaurants, "at lunch time, or when hunger strikes, the [user] may simply access the cache and peruse a short list of local lunch establishments." (Col. 10, lines 54-57) While Glorikian may indiscriminately communicate information potentially of interest to a user of a wireless communication device based solely on the geographical position of the user's wireless device, there simply is no teaching or suggestion of communicating inferred information as in the present invention.

Atty. Docket No. 696.004

As amended, Independent Claim 1 recites **determining information potentially of interest to the user from the location and the time at the location of the wireless device, inferring a likely interest of the user in the information; and transmitting data related to the inferred interest to the wireless device.** As amended, Independent Claim 7 recites **reviewing said location-based and time-based information in consideration of said approximate location to determine information which is potentially of interest to said user and using an optionally determined need to generate a recommendation of said information to be transmitted to said user.** At a minimum, Glorikian lacks these features, as there is no disclosure in Glorikian of using or ascertaining time at the location of the wireless device to filter the information presented to a user by “inferring a likely interest” or “using an optionally determined need”. Claim 11 recites **utilizing a profile of preferences of the user to infer the interest of the user.** Additionally, Glorikian lacks this feature, as the reference does not disclose filtering of information made available about an individual to obtain information to push to a user’s wireless device, as would be necessary in the present invention. In a telephone interview conducted August 26, 2004 between Applicants’ counsel and one of the inventors, Kannan Srinivasan, with the Examiner, it was agreed the Glorikian reference does not disclose filtering of information made available to an individual.

The lack of these features in Glorikian is illustrated by the discussion in Glorikian and the application of the scenario relating to restaurants. In Glorikian, a user of the device may “access the cache and peruse a short list of local lunch establishments.” (Col. 10, lines 55-57) There is, however, no teaching that the list of establishments provided is

Atty. Docket No. 696.004

determined on anything other than geographical information, i.e., the user is in the vicinity of the establishment. (See Col. 10, lines 43-46; "The traveler visiting Colonial Williamsburg may be presented with ... restaurants, and the like, in the immediate vicinity of Colonial Williamsburg.") This contrasts with the present invention in which information provided is based on **time at the location of the mobile device**, and an **inferred interest or optionally determined need**. (See Page 19, lines 3-8; "Where a user repeatedly selects restaurants offering French and Chinese food, the present invention may learn that those foods are preferred and provide, for example, restaurant listings for all restaurants ... offering Chinese and French food within a mile of the location of the wireless communication device".) Additionally, as aforementioned with respect to the information provided about restaurants, Glorikian states "at lunch time, or when hunger strikes, the [user] may simply access the cache and peruse a short list of local lunch establishments." (Col. 10, lines 54-57). However, in the present invention, the user does not have to initiate contact with the restaurant cache; rather, the system will be able to disclose which stores and restaurants are open at the time that the user is in his/her current location (page 21, paragraph 0058).

It is thus respectfully submitted that Glorikian clearly falls short of present invention, as defined by the independent claims. Accordingly, Applicants respectfully submit that the applied art does not anticipate the present invention because, at the very least, "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under construction." *W.L. Gore & Associates, Inc. v. Garlock*, 721 F.2d

Atty. Docket No. 696.004

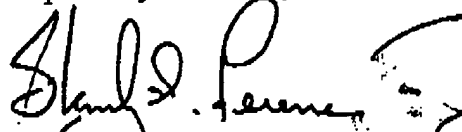
1540, 1554 (Fed. Cir. 1983); *see also In re Marshall*, 198 U.S.P.Q. 344, 346 (C.C.P.A. 1978).

In view of the foregoing, it is respectfully submitted that Claims 1, 5, 7, and 11 fully distinguish over the applied art and are thus in condition for allowance. By virtue of dependence from what are believed to be allowable independent Claims 1, 5, 7, and 11, it is respectfully submitted that Claims 2-4, 6, 8-10, and 12-13 are also presently allowable.

In summary, it is respectfully submitted that the instant application, including Claims 1-13, are presently in condition for allowance. Notice to the effect is hereby earnestly solicited.

Applicants' undersigned attorney would welcomes further discussion with the Office in the event there are any further issues in this application.

Respectfully submitted,



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